

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7440

Petition of Entergy Nuclear Vermont Yankee,     )  
LLC, and Entergy Nuclear Operations, Inc., for     )  
amendment of their Certificates of Public Good     )  
and other approvals required under 10 V.S.A.     )  
§§ 6501-6504 and 30 V.S.A. §§ 231(a), 248 &     )  
254, for authority to continue after March 21,     )  
2012, operation of the Vermont Yankee Nuclear     )  
Power Station, including the storage of spent-     )  
nuclear fuel     )

Order entered: 4/6/2010

**ORDER RE: MOTIONS TO INTERVENE**

**Introduction**

In this Order, the Vermont Public Service Board ("Board") considers a motion to intervene filed by the Connecticut River Watershed Council ("CRWC"). As explained herein, we grant CRWC's motion on a permissive basis; its intervention is limited to the interests identified in its motion.

**Procedural History**

On March 15, 2010, CRWC filed a motion to intervene in Docket Nos. 7440 and 7600.<sup>1</sup> CRWC states that it is an organization advocating for the responsible stewardship of the entire Connecticut River Watershed to promote improvement of water quality and the restoration, conservation and sustainable use of the natural resources of the river. CRWC states that it has a substantial interest in this Docket to address the potential contamination of the Connecticut River

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1. CRWC's motion to intervene in Docket No. 7600 will be addressed in a separate Order.

from the leak of radionuclides, radioactive materials, and other non-radioactive materials into the river by the Vermont Yankee Nuclear Power Station ("Vermont Yankee"). In addition, CRWC asserts that it is the only environmental organization in Vermont solely focused on protecting the Connecticut River.

On March 26, 2010, Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (jointly, "Entergy VY") filed a response to the motion of CRWC. Entergy VY stated that it did not object to CRWC's intervention on a permissive basis, so long as the intervention is limited to the interests that CRWC has identified.

### **Board Discussion and Conclusion**

We hereby grant the motion to intervene filed by CRWC on a permissive basis. The scope of the intervention for CRWC is limited to the interests identified in its motion.<sup>2</sup> Furthermore, CRWC will not be allowed to re-litigate issues that have already been fully litigated, except to the extent that those issues are reopened as a result of the recently disclosed releases of radionuclides and non-radioactive materials at Vermont Yankee.

**So ORDERED.**

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2. We note that, in addition to being limited to the interests identified in each party's motion, the scope of intervention is also limited to issues within the Board's jurisdiction. For example, as we have previously observed, the Board is preempted from consideration of radiological health and safety, although the Board retains jurisdiction to act within areas of traditional state responsibility, such as need, reliability and cost. *See* Docket 7082, *Petition of Entergy Nuclear Vermont Yankee and Entergy Nuclear Operations*, Order of 4/26/06 at 14–16.

Dated at Montpelier, Vermont, this 6<sup>th</sup> day of April, 2010.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: April 6, 2010

ATTEST: s/Susan M. Hudson  
Clerk of the Board

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